

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THOMAS LAMARCO and DIANE LAMARCO,

Plaintiffs,

CONSENT DECREE

-against-

22-cv-04629 (GRB)(JMW)

SUFFOLK COUNTY, New York, Commissioner RODNEY HARRISON, Individually and in his Professional capacity, Captain WILLIAM SCRIMA, Individual, Sgt. WILLIAM WALSH, Individually, Police Officer "John" PLIHCIK, Individually, and 'JOHN DOES 1-5', Individually,

Defendants.

Plaintiffs Thomas LaMarco and Diane Lamarco have brought this action against defendants pursuant to 42 U.S.C. § 1983 alleging violations of their Second Amendment rights and pre and post deprivation right to due process of law under the Fourteenth Amendment to the U.S. Constitution. The parties desire to avoid further litigation and have reached agreement which is memorialized by this Consent Decree. Defendants do not admit any liability or wrongdoing on their part and this Consent Decree shall not constitute any admission on their part of any liability or wrongdoing here. This Consent Decree constitutes a final judgment binding on all parties to this action.

1. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1343. Venue is proper pursuant to 28 U.S.C. § 1391(b).
2. This Consent Decree shall become effective and binding upon the Parties immediately upon the Court's entry hereof.

3. Subject to a determination of damages, costs, and statutory attorney's fees, the Action shall be dismissed, but the Court shall specifically retain jurisdiction to enforce this Consent Decree.

4. Any action to enforce this Consent Decree shall only be brought in the United States District Court of the Eastern District of New York.

5. The Consent Decree shall be enforceable by the named Plaintiffs, Thomas LaMarco and Diane LaMarco. No Defendant shall object to the standing of the Plaintiffs in any contempt proceeding to enforce any provision of this Consent Decree. Plaintiffs may substitute another New York resident as a named Plaintiff upon a showing that good cause exists for withdrawal of the current Plaintiffs as to which substitution is sought, including but not limited to the factors expressly enumerated in Rule 25 of the Federal Rules of Civil Procedure, subject to the approval of the Court. This Consent Decree shall be binding on, and fully enforceable by, the Parties as well as by all persons who reside within the jurisdiction of the Suffolk County Police Department.

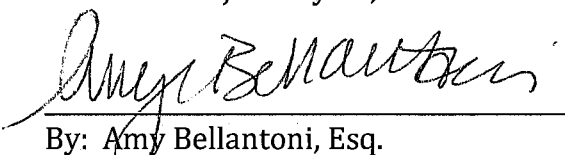
6. Other than is required by the laws of the United States and/or the State of New York, Suffolk County, the Suffolk County Police Commissioner, their officials, agents, employees, attorneys and all persons in active concert or participation with them shall not adopt any orders, resolutions, ordinances, policies, or practices which have the purpose or effect of directly or indirectly prohibiting, restricting, inhibiting, and/or interfering with an individual's ability to possess firearms solely based upon: (a) the disqualification, prohibited status, and/or perceived ineligibility of an adult cohabitant who received mental health treatment, was transported for mental health evaluation and/or admitted to an inpatient facility for psychiatric treatment pursuant to New York Mental Hygiene Law

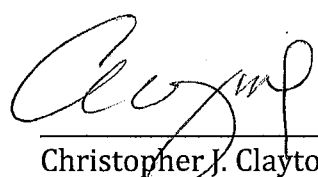
Sections 9.39 through 9.45 and (b) for failing to report to Suffolk County Police Department Pistol Licensing Bureau that an adult cohabitant received mental health treatment, was transported for mental health evaluation and/or admitted to an inpatient facility for psychiatric treatment pursuant to New York Mental Hygiene Law Sections 9.39 through 9.45.

7. In the event of a relevant change in the applicable law, either party may apply to the Court for a corresponding modification of this Consent Decree.

8. The Court shall retain jurisdiction over this matter for purposes of enforcing and/or modifying this Consent Decree.

Dated: Hauppauge, New York
January 23, 2025


By: Amy Bellantoni, Esq.
The Bellantoni Law Firm, PLLC
Attorney for Plaintiffs
2 Overhill Road, Suite 400
Scarsdale, New York 10583


Christopher J. Clayton
Suffolk County Attorney
By: Arlene S. Zwilling
Assistant County Attorney
100 Veterans Memorial Hwy.
Hauppauge, New York 11788

SO ORDERED:

Date: _____

Hon. Gary R. Brown
United States District Court Judge